



California Regional Water Quality Control Board Central Coast Region



Linda S. Adams.
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

March 22, 2007

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Alec Leach
Chair, Marketing Agreement Technical Committee
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Dear Mr. Pezzini, Mr. Leach and Advisory Board Members:

RE: Concerns with Draft *Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens*

We have been providing comments and edits to drafts of the *Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens* (metrics) via Hank Giclas. The first round of comments was submitted on February 9, 2007 and the second round was submitted on March 14, 2007. Comments submitted on March 14 also contained edits to the *Sanitary Surveys and Remediation Guidelines for Water Resources*. We are pleased that many of our earlier comments have been incorporated into the metrics. We recognize the importance of protecting public health and preserving the viability of agricultural production within the state, but improved food safety practices should not come at the expense of water quality, habitat or air quality protection. **We continue to have serious concerns with the focus of the metrics on all wildlife and the emphasis on vegetation removal in both documents instead of a consistent focus on high-risk animals.** Proactive statements of support for conservation practices, habitat, water quality and the maintenance of flood flow dynamics should be incorporated and will help prevent unintentional negative consequences. We understand that you may still be incorporating the most recent round of edits. We look forward to an open dialogue as we work toward a common solution. Below is a summary of our concerns:

- Buffers between cropland and specific land uses should not be bare ground. Studies indicate that vegetated buffers help to reduce E. Coli levels and transport, improve air quality and water quality. We strongly encourage a statement to support vegetated buffers, especially where there is the potential for surface runoff.

California Environmental Protection Agency

- We request that the guidelines include a strong statement of support for conservation practices, water quality, habitat protection and natural flood flow dynamics up front in the document.
- The guidelines should focus consistently on animals of significant risk (animals documented to have a high risk for E. Coli 0157:H7) rather than wildlife in general.
 - Literature reviews show that deer should be removed from the list of high risk animals.
 - The sanitary survey still focuses on wildlife and rodents, rather than high risk animals. This is inconsistent with the current guidelines, and may be based on outdated drafts.
- The recommendation for vegetation removal must be deleted from the sanitary survey. The removal of trees and bushes from the banks of surface waters and replacement with easily maintained vegetation is unacceptable; it is detrimental to water quality and beneficial uses.
- In order to avoid losing marketable produce from flooding, farmers may try to contain flood waters by creating or adding to berms adjacent to surface water channels. Confined flood flows increase erosion and potential flood effects to downstream neighbors. We would like to see language incorporated into the metrics that supports the maintenance of natural flood flow regimes. Flood flow alteration should be pursued only in consultation with the proper agencies and only if no other actions will address the food safety issues of concern.

In addition the following must be resolved:

- Consultation with environmental regulators should be mandatory for all inspectors, including third party auditors and buyer representatives.
- Any inspector training program must include training in water quality and wildlife habitat protection requirements and the food safety concerns associated with management of these natural resources.
- The Technical Committee must include representatives familiar with conservation practices, water quality, wildlife and habitat issues.
- Third-party auditors, retailers and salad processors must not create their own standards and requirements of lettuce and leafy-greens growers independent of scientific basis and peer review.
- The metrics received peer review from food safety experts, but must also be peer reviewed by cross-disciplinary experts such as wildlife, water quality, and environmental conservation.

We along with the natural resource protection agencies, regulatory agencies, environmental organizations and sustainable farming groups listed below urge that the metrics and associated documents not be recommended for approval until these

serious concerns are addressed. If you have questions, please contact Jill Wilson, environmental scientist, at 805-542-4762 or by email at jwilson@waterboards.ca.gov.

By copy of this letter, we are requesting Glenn Yost to distribute a copy to the Advisory Board members and counsel John Dyer by e-mail.

Sincerely,



Michael Thomas
Assistant Executive Officer

William Stevens, National Marine Fisheries
Sam Earnshaw, California Alliance with Family Farmers
Jo Ann Baumgartner, Wild Farm Alliance
Vance Russell, Audubon California
Bridget Dobrowski, Monterey Bay National Marine Sanctuary Foundation

cc:

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